

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

United States <i>ex rel.</i> Monica Dyson,	§	
	§	
Plaintiff,	§	
VS.	§	CIVIL ACTION NO. H-03-4223
	§	
Amerigroup Texas Inc. <i>et al.</i>,	§	
	§	
Defendants.	§	

MEMORANDUM AND ORDER

Pending before the Court is Defendants' amended motion for summary judgment, Docket No. 38. The motion, which was filed after the dispositive motions deadline, purports to respond to the Court's denial of Defendants' first summary judgment motion. It consists predominantly of a reiteration of the arguments made in the first motion.

The new motion does direct the Court's attention to one piece of evidence not produced earlier: namely, a contract between Amerigroup and the State of Texas, which, Defendants argue, supports their claim that Amerigroup receives no direct funding from the federal government. Defendants have not, however, provided the Court with any explanation for their failure to append this evidence – which has been available since 1999 – to the first motion for summary judgment. Because the new motion was untimely filed and provides no legitimate basis for overturning the Court's initial denial of summary judgment, therefore, the Court finds that the motion should be and hereby is **DENIED.**

IT IS SO ORDERED.

SIGNED at Houston, Texas, on this the 10th day of January, 2006.

A handwritten signature in dark ink, appearing to read "Keith P. Ellison", written over a horizontal line.

KEITH P. ELLISON
UNITED STATES DISTRICT JUDGE

**TO INSURE PROPER NOTICE, EACH PARTY WHO RECEIVES
THIS ORDER SHALL FORWARD A COPY OF IT TO EVERY
OTHER PARTY AND AFFECTED NON-PARTY EVEN THOUGH
THEY MAY HAVE BEEN SENT ONE BY THE COURT.**